

CITY OF PINE LAWN, MISSOURI

YEAR ENDED JUNE 30, 1999

From The Office Of State Auditor Claire McCaskill

Report No. 2000-108 October 2, 2000 www.auditor.state.mo.us

October 2000

www.auditor.state.mo.us

Some problems were discovered as a result of an audit conducted by our office in response to the request of petitioners from the City of Pine Lawn, Missouri.

The City of Pine Lawn has failed to implement 25 of the 35 recommendations made in our prior audit that covered the year ended June 30, 1994. Although the city indicated in that report that most of the recommendations would be implemented, we have repeated many recommendations in the current report. These include violations of IRS regulations, lack of bid documentation, inadequate controls over credit card purchases, inadequate controls over seized and forfeited property, inadequate collection of delinquent trash collection fees, the lack of ordinances establishing the duties of various city employees, failure to publish financial statements, budgets not approved on a timely basis, inadequate financial reporting not provided for the board, inadequate property records, and inadequate controls in the municipal court.

The city did not properly plan for a construction project. In January 1995, there was significant interest in possibly converting a donated school building into a city community center. In October 1996, the city contracted with an architect to prepare a feasibility study. In October 1997, the city entered into a second contract with the architect, which provided that the architect would be compensated at the rate of 4.4 percent of total construction costs. The firm was also supposed to help promote the bond issue to finance the complex. In addition, the city did not have plans to obtain additional funding for the project at the time they entered into the second agreement. The city did not obtain at least three proposals from architectural firms, which is required by state law, before entering into the agreements. The city ultimately decided not to construct the center and the architect sued the city for services provided on the second agreement. The city reached a settlement with the architect for \$13,358 and expended approximately \$9,400 in legal fees related to this case. The city spent significant amounts of city monies on architectural plans for and promotion of a project that was ultimately never started.

The city charges citizens a user fee for trash collection services; however, the monies received do not cover the cost of trash collection services. The city has not adequately pursued delinquencies. As of June 30, 1999, city records show approximately \$656,000 in uncollected trash fees.

The Board of Alderman discussed items in closed session that are not allowed to be discussed under the provisions of the Sunshine Law. In addition, the Board of Alderman discussed items in closed session that were not included on the closed session agendas.

The city's purchasing ordinance requires advertising for bids for all purchases of goods and services in the amount of \$5,000 or more. However, although the city indicated in our prior audit that they would watch this more closely, bids or bid documentation was not retained for many purchases. Some items purchased without documentation of bids and/or advertisements include home demolition projects, gas purchases, and a 4x4 truck.

The city deposits seized money into a bank account. This account contains a balance of \$40,342 as of May 2000. Some of the money has been held for several years including approximately \$20,000 that we commented on in our prior audit report. The police department's log of evidence and seized property is not adequate. The log does not indicate the date the property or evidence was seized or evidence taken or the disposition of the item.

The Board of Aldermen does not receive enough information to monitor the budget and evaluate the financial position of the city's funds. The city overspent the approved General Revenue budget by \$10,616 and \$10,470 for the years ended June 30, 1999 and June 30, 1998, respectively.

The municipal court division has not implemented adequate procedures to follow up on bonds held for more than one year. As of June 30, 1999, the balance of the city's bond account included bond receipts totaling \$8,747 which have been held at least two years.

The city has not disbursed the domestic violence fees collected to St. Louis County for disbursement to a local domestic violence shelter.

CITY OF PINE LAWN, MISSOURI

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CLAIRE C. McCASKILL

Missouri State Auditor

To the Honorable Mayor
And
Members of the City Council
City of Pine Lawn
Pine Lawn, Missouri

The State Auditor was petitioned under Section 29.230, RSMo, to audit the city of Pine Lawn, Missouri. The city had engaged Schmersahl Treloar & Co., P.C., Certified Public Accountants (CPA's), to perform a financial audit of the city for the year ended June 30, 1999. To minimize any duplication of effort, we reviewed the report and substantiating workpapers of the CPA firm. Our audit of the city included, but was not limited to, the year ended June 30, 1999. The objectives of this audit were to:

- 1. Perform procedures we deemed necessary to evaluate the petitioners' concerns.
- 2. Review compliance with certain constitutional provisions, statutes, ordinances, and attorney general's opinions as we deemed necessary or appropriate in the circumstances.
- 3. Review certain management practices which we believe could be improved.

Our audit was made in accordance with applicable generally accepted government auditing standards and included such procedures as we considered necessary in the circumstances. We also reviewed board minutes, city policies and ordinances, and various city financial records.

Our audit was limited to the specific matters described above and was based on the selective tests and procedures considered appropriate in the circumstances. Had we performed additional procedures, other information might have come to our attention which would have been included in this report.

The accompanying History and Organization is presented for informational purposes. This information was obtained from the city and was not subjected to auditing procedures applied during this audit of the city.

The accompanying Management Advisory Report presents our findings and recommendations arising from our audit of the city of Pine Lawn, Missouri.

Claire McCaskill State Auditor

die McCashill

May 12, 2000 (fieldwork completion date)

The following auditors participated in the preparation of this report:

Director of Audits: Karen Laves, CPA

Audit Manager: Alice M. Fast, CPA, CIA

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HISTORY AND ORGANIZATION

CITY OF PINE LAWN, MISSOURI HISTORY AND ORGANIZATION

The City of Pine Lawn was incorporated as a fourth-class city in 1947 and is located in north St. Louis County. The population according to the 1990 census was 5,092.

The city government consists of a Mayor and an eight-member Board of Aldermen. The eight members are elected from four wards for two-year terms, one from each of the four wards each year. The Mayor is elected for two years, presides over the Board of Aldermen, and votes only in the case of a tie. The Mayor, Board of Aldermen, and other principal officials at June 30, 1999 were:

	Compensation			
	Paid			
		Fo	or the	
	Term	Year	Ended	Amount
Elected Officials	Expires	June 30, 1999		Of Bond
Adrian Wright, Mayor	2001	\$	7,200	\$ 0
Rose Griffin, Alderwoman (2)	2000		4,800	0
Kitty Lomax, Alderwoman (1)	2001		1,000	0
Bob Harris, Alderman (1)	2001		1,000	0
Sylvester Caldwell, Alderman (4)	2000		4,800	0
James Reynolds, Alderman	2001		4,800	0
Johnson White, Alderman (4)	2000		4,800	0
F. Michael Horskins, Alderman (1)	2001		1,000	0
Richard Laususe, Alderman (3)	2000		4,800	0
Other Principal Officials				
Janet Wright, City Clerk			24,705	10,000
Huedell McGee, City Treasurer			600 (7)	10,000
Pervaiz Butt, City Administrator			32,785	10,000
Ida Brown, Municipal Court Clerk			25,805	10,000
Nakisa Ford, Assistant Court clerk			16,000	10,000
Kenneth Heinz, City Attorney (5)			6,600 (8)	0
James Sievers, Prosecuting Attorney			7,550	0
Charles E. Kirksey, Jr., Municipal Judge			8,400	0
George Prophete, Street Supervisor			24,080	0
Harlan Brooks, Building Commissioner (6)			24,705	1,000

- (1) Elected in the April 1999 election.
- (2) Replaced by Pelton Jackson in the April 2000 election.
- (3) Replaced by Chester Brown in the April 2000 election.
- (4) Reelected in the April 2000 election.
- (5) Mark Zoole became City Attorney in July 2000.

- (6) Employment terminated in January 2000. Alvin Winton is currently the part-time Building Commissioner.
- (7) In addition to this amount, the treasurer receives a monthly expense allowance of \$75.
- (8) This amount represents monthly retainer fees of \$550 a month which is paid to the City Attorney's law firm. Other payments made to the City Attorney's law firm for legal fees for the year ended June 30, 1999 totaled \$19,847.

The city did not have a Police Chief as of June 30, 1999. Donald Hardy became Police Chief on July 9, 1999.

Assessed valuation and tax rate information for 1999 is as follows:

ASSESSED VALUATION	
Real Estate	\$ 11,880,480
Personal Property	3,546,001

Total \$ 15,426,481

TAX RATES PER \$100 ASSESED VALUATION

General \$ 0.24

The city also has the following sales taxes; rates are per \$1 of retail sales:

		Expiration
	Rate	Date
Capital Improvement	0.05	None
Capital Improvement-Parks and		
storm water control	0.05	None

MANAGEMENT ADVISORY REPORT

CITY OF PINE LAWN SUMMARY OF FINDINGS

1. <u>City Expenditures</u> (pages 9-12)

Monthly expense allowances and uniform allowances are not properly reported to the Internal Revenue Service. There were expenditures for which the public purpose was questionable. The city does not always obtain bids or solicit proposals for purchases. The city does not document its approval of purchases made with the city's credit card. The city does not have a formal travel expense policy.

2. <u>Inadequate Planning (pages 13-15)</u>

The city did not properly plan for the building of a proposed community center and did not properly obtain proposals from architectural firms when selecting the architect for the project. In addition, the city paid \$3,300 to purchase and install park equipment in a playground the board voted to demolish six months later.

3. Evidence and Seized Property Controls and Procedures (pages 15-16)

The police department does not maintain an adequate record of evidence and seized property. There is \$40,343 in seized money that has been held in a separate account for many years.

4. <u>Delinquent Trash Collection Fees (pages 16-18)</u>

The city has not properly pursued the collection of delinquent trash collection fees and as of June 30, 1999, the city had approximately \$656,000 of delinquent fees.

5. City Business Licenses (page 18)

The city does not have an adequate system in place to ensure compliance with city business license and building code ordinances.

6. Board Meetings and Ordinances (pages 19-20)

The city is not in compliance with the Sunshine Law and the city needs to adopt ordinances regarding duties of several city employees and the Senior Citizen Building.

7. <u>Budgets and Financial Reporting</u> (pages 20-22)

The city does not publish semiannual financial statements and city budgets are not approved on a timely basis. The Board of Aldermen does not receive complete financial information to make informed decisions and properly manage city monies.

8. <u>City Property Records (pages 22-24)</u>

The city has not established records to annually inventory and account for city property. In addition, the city does not reconcile the gallons of gas purchased to gallons of gas pumped and on hand. Complete logs are not maintained for city-owned vehicles documenting their use.

9. <u>Miscellaneous Records and Procedures</u> (pages 24-27)

Several city employees do not maintain time sheets and adequate leave records are not maintained by the city. Law Enforcement Training and Domestic Violence Shelter fees were not properly handled by the city. The city does not separately account for restricted sales tax monies. Occupancy permits are not required to be on file for all candidates for city office.

10. <u>Municipal Court Division</u> (pages 27-30)

Several weaknesses were noted in the internal control procedures and accounting records of the municipal court.

CITY OF PINE LAWN, MISSOURI MANAGEMENT ADVISORY REPORT -STATE AUDITOR'S FINDINGS

City Expenditures

1.

A. Uniform allowances of \$300 are paid annually to the police officers. In addition, the street commissioner was paid an expense allowance of \$280 during the year ended June 30, 1999. The officers and street commissioner are not required to submit an itemized report of expenses and these amounts are not reported on the employees' W-2 forms.

Internal Revenue Service (IRS) Regulation No. 31.3401(a)-4 requires expenses not accounted for to the employer to be considered as gross income and also requires payroll taxes to be withheld from this gross income. The failure to properly submit the required forms could result in penalties to the city. In addition, it would appear more appropriate for the city to reimburse these employees for actual documented costs.

This condition was also noted in our 1994 prior report. The city indicated at that time it would review this with its CPA. Although the IRS requires this reporting, the city has not implemented the recommendation.

- B. The city made several expenditures which do not appear to be a prudent use of public funds.
 - 1) The city routinely sends flowers to funerals in cases of death in an employee's family. The city expended \$1,041 for these payments from July 1, 1998, through March 31, 2000. These expenditures do not appear to be necessary costs of operating the city. Public funds should be expended only for costs necessary to operate the city.
 - The city reimburses residents age sixty-five and older 50 percent of city utility franchise taxes paid on utility bills. During the period of July 1, 1998, through March 31, 2000, the city expended approximately \$15,000 for the senior citizen utility tax rebate program.

These payments are not conditioned on financial need. The city's authority or the municipal purpose to make such payments has not been researched and documented.

These conditions were noted in our prior report.

C. The city's purchasing ordinance requires advertising for bids for all purchases of goods and services in the amount of \$5,000 or more. However, although the city indicated after our prior audit that they would watch this more closely, bids or bid documentation was not retained for many purchases. The following items were purchased from July 1, 1998, through March 31, 2000, without documentation of bids and/or advertisements:

<u>Item</u>	Cost
Home demolition projects	\$ 76,825
Gas purchases	38,000
4X4 truck	28,667
Computer purchase and installation	10,250
Sewer project	10,000
Playground equipment	6,032
Lawn mowers	5,970

While the city indicated the purchase of the truck had been bid, no documentation could be located. Competitive bidding helps ensure the city receives fair value by contracting with the lowest and best bidders. Bidding helps ensure all parties are given an equal opportunity to participate in the city's business. In addition, complete documentation should be maintained of all bids received. If other that the lowest bid is selected, the reasons should be adequately documented.

D. The city entered into a contract for engineering services related to a street repair project. Although the city indicated it solicited proposals for this service, no documentation of this was maintained.

Sections 8.289 and 8.291, RSMo 1994, provide that when obtaining engineering services for any capital improvement project, at least three highly qualified firms should be considered. The firms should be evaluated based on specific criteria including experience and technical competence, capacity and capability of the firm to perform the work in question, past record of performance, and the firms proximity to and familiarity with the area in which the project is located.

See also MAR 2.A. for additional comments related to obtaining proposals.

E. The city maintains a credit card for the purchase of items from vendors with whom the city does not have an account. Most purchases made by employees of the city require a purchase order, which is approved by the City Clerk prior to making the purchase. However, a purchase order is not required to be obtained prior to the use of the credit card. The city indicated that purchases made with the credit card are approved prior to the purchase, but there is no documentation maintained of this approval.

The city should establish procedures to ensure purchases made with the city's credit card are properly approved and appropriate documentation is maintained of the approval process.

Although the city indicated in the prior report that it would document approvals as recommended, this has not been done.

F. City ordinance number 822 establishes the salaries of the members of the Board of Alderman. This ordinance states that board members will not be entitled to any expense recovery for ordinary expenses incurred in the office of alderman. It further states that any extraordinary expenses shall be subject to prior approval by the Board of Aldermen.

There has been considerable disagreement between the city officials as to what constitutes an ordinary or extraordinary expense. In addition, the city has no written travel and expense policies. Without written, documented policies, the types of expenses that can be incurred, the extent of those expenses which will be paid by the city, and the appropriate payment mechanism for the expenses may not be known.

To avoid confusion, the city should clearly define its travel and expense policy. This would include defining what constitutes an ordinary as opposed to an extraordinary expense.

WE RECOMMEND the Board of Aldermen and the Mayor:

- A. Require the police officers and Street Commissioner to submit itemized reports of uniform expenses or report the allowances as other income on the employees' W-2 forms. In addition, the city should consider filing amended W-2 forms for the unreported employee compensation.
- B. Ensure expenditures are limited to those necessary to properly operate the city and within the city's authority.
- C. Ensure bids are solicited for all applicable purchases in accordance with city ordinance. Documentation of the bidding process should be maintained in all cases. If the city feels that it is not practical to obtain bids on certain purchases, documentation explaining why bids were not obtained should be maintained.
- D. Solicit and document proposals for engineering services.
- E. Ensure purchases made with the city's credit card are properly approved and documentation of the approval is maintained.
- F. Adopt a formal policy regarding travel expenses which includes a definition of ordinary versus extraordinary expenses.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

- A. The City intends to implement the reporting of uniform allowances for police officers and an expense allowance for the street commissioner immediately. This method of reporting will be incorporated with the W-2 for the current calendar year.
- B. With regard to the purchase of flowers, the city's position is unchanged. Certain good-will expenditures are part of doing business within our community as well as with other communities and their elected officials.
 - The senior citizen utility franchise tax reimbursement program will continue. Due to the large numbers of senior citizens living on a fixed income within the community, the city officials believe there is a moral obligation to offer this reimbursement. We will consult with our legal counsel again to ensure that it is within our authority.
- C. The city has always acquired bids for projects prior to awarding the bid to the contractor. Sometimes bids have been acquired in an emergency in order to correct a problem immediately and avoid legal liability for a safety hazard, but the lowest bid was always accepted. Though some of the records may not have been readily available for review, the city will be more vigilant in safeguarding the records and making them available for review.
- D. The city solicited bids for engineering service upon recommendations received from St Louis County. The city invited various engineering firms via telephone to bid on the street project; however, a limited response was received. The bid that was eventually accepted by the elected official was within the accepted industry range. In the future, the city will retain documentation of who they contacted.
- E. Effective immediately, all purchases made by credit card will be well documented and approved by the proper authority prior to purchase even though we believe our current practice is appropriate.
- F. The city intends to implement a formal written policy defining ordinary and extraordinary expenses for employees and elected officials. The policy will be implemented within 120 days upon conclusion of a public hearing.

AUDITOR'S COMMENT

1.D. Although the city states that proposals were solicited, no documentation of this was maintained. The city should maintain all records to document it complied with the law.

A. On January 23, 1995, the St. Louis Archdiocese donated a school building to the city of Pine Lawn. At that time, there was significant interest among board members and citizens regarding the possibility of converting the school building into a city community center. In October 1996, the city contracted with an architect to prepare a feasibility study regarding converting the school into a city complex that would include a city hall building, a police station, and a community center. This study cost the city \$2,200 and the architect concluded the cost of reconfiguring the existing building into a city complex would be \$2,037,440 and the cost of demolishing the existing building and constructing a completely new city complex would be \$3,097,776.

In October 1997, the city entered into a second contract with the architect. This contract provided that the architect would be compensated at the rate of 4.4 percent of total construction costs of the city complex. In addition to providing architectural services, the firm was to help promote the bond issue to finance the complex. The contract outlined six "public information" services they were to provide and stipulated that if the bond issue did not pass, there would be no charge for the "public information" work, but if the bond issue did pass, the architect would provide the architectural services for the project.

On April 7, 1998, Pine Lawn voters passed a bond issue of one million dollars for the purpose of providing funding for the construction of a community center in the city.

The city did not obtain at least three proposals from architectural firms before entering into the agreements. Sections 8.289 and 8.291, RSMo 1994, provide that when obtaining architectural services for any capital improvement project, at least three highly qualified firms should be considered. The firms should be evaluated based on specific criteria including experience and technical competence, capacity and capability of the firm to perform the work in question, past record of performance, and the firms proximity to and familiarity with the area in which the project is located.

In addition, the city did not have plans to obtain the additional funding at the time they entered into the second agreement with the architect or when the bond issue was passed. The City Administrator indicated they researched other funding options; however, no documentation of this was available.

The city ultimately decided not to construct a city complex and the architect sued the city for \$44,911 as payment for services provided on the second agreement. The city reached a settlement with the architect to pay him an additional \$13,358 for these services. In addition, the city expended approximately \$9,400 in legal fees related to this case from February 1999 thru March 2000.

The city's failure to properly plan for the construction and financing of this project resulted in the city spending significant amounts of city monies on architectural plans for and promotion of a project that was ultimately never started.

B. On March 12, 1999, the city paid approximately \$3,300 to purchase and install a swing set and a "merry-go-round" in Council Grove Park. On October 11, 1999, the Board of Alderman passed Ordinance Number 824 which transferred ownership of Council Grove Park and several other adjoining lots to a construction company for the purpose of constructing new homes. The park was demolished and the new playground equipment was removed. The merry-go-round was placed in another city park and the swing set was dismantled and placed in city storage for future use.

While the city did not have the developer in place at the time the new equipment was installed in the Council Grove Park, it appears they had considered the Council Grove Park site as a potential location for new homes to be built. In addition, although the equipment purchased by the city is still usable by the city at other park locations, the cost of installing the equipment at the Council Grove location was approximately \$1,200.

The city's failure to adequately plan for the development of this site caused monies and city workers' time to be wasted.

WE RECOMMEND the Board of Aldermen and Mayor, in the future:

- A. Ensure that adequate funding is in place to complete the project before putting a project up for a vote of the citizens or signing any contracts for work. In addition, the city should solicit and document proposals for architectural services.
- B. Consider the future uses of property before making improvements to the property to ensure city funds are put to the best possible use.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

A. The city acknowledges the importance of soliciting bids and documenting construction proposals and will be carefully monitoring all future endeavors to ensure they comply with accepted practices. Internal procedures will be reviewed and new procedures will be adopted where necessary. In the case of the proposed Community Center, although the citizens approved the bond issue, city officials decided not to pursue the plan at that time because of the potential burden of increased taxes on the senior population and those citizens living on a fixed income. When all financial obligations can be met without unduly taxing residents, city officials will look at new opportunities with proper planning.

B. It appears that the auditors did not consider all the relevant factors surrounding this issue due to rapid changes in revitalizing the depressed community. In order to change the infrastructure and improve the outlook of the community, the city elected officials need to react quickly to accept or act upon whatever growth opportunities they can bring to Pine Lawn without any expense to the city. Although it may not have appeared to be "adequate planning", the current economic situation requires us to do whatever we can to accommodate long-term, beneficial investments in the community.

Due to the fact that we have encouraged new housing construction by removing dilapidated and vacant properties without committing any city dollars, we disagree with the auditor's recommendation. We will be careful in future planning, however, we will not hesitate to make investment decisions for the community as they become necessary to improve and beautify the city.

3. Evidence and Seized Property Controls and Procedures

The police department maintains records and custody of evidence and seized property. During our review, we noted the following concerns relating to evidence and seized property:

A. The police department's log of evidence and seized property is not adequate. The log does not indicate the date the property was seized or evidence taken or the disposition of the item. The current log shows only the case number, description of evidence or property seized, and the name of the officer who seized the property. In addition, the evidence receipts are not prenumbered.

A complete log of evidence and seized property should be maintained to ensure these items are adequately safeguarded. Periodically, an inventory should be taken of all the evidence and seized property and reconciled to the log. In addition, evidence receipts should be prenumbered and the numerical sequence accounted for to ensure that all items are recorded and disposed of properly.

This condition was noted in the prior report.

B. The city deposits seized money into a bank account. This account contains a balance of \$40,342 as of May 2000. Some of the seized money has been held for several years including approximately \$20,000 that we commented on in our prior report.

The city should begin forfeiture proceedings on any money subject to forfeiture. All other monies should be returned.

WE AGAIN RECOMMEND the Board of Aldermen and the Mayor:

A. Require a complete log of all seized property, be maintained, prenumbered evidence receipts be obtained, and the numerical sequence of the evidence receipts issued be

accounted for properly. In addition, a periodic inventory should be taken and reconciled to the log.

B. Consult with legal counsel and determine the proper disposition of these monies.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

- A. We will consult with our Certified Public Accountant regarding inadequate seized property procedures during our upcoming FY 2000 audit. We will implement whatever procedures are recommended.
- B. We will consult with our legal counsel and appropriate officials in St. Louis County to determine the proper disposition of seized monies and property. It is difficult to provide the exact time for resolving this issue since we are dependent on outside agencies and their approval, however, we intend to bring this issue to complete closure.

4. Delinquent Trash Collection Fees

The city began charging citizens a user fee for trash collection services in 1992. The city's legal counsel advised the city this was a proper user fee. In addition, to ensure the fee was allowable, the city voted in the fee in August 1999. However, due to a large amount of uncollected trash bills, the monies received are not enough to cover the cost of trash collection services. The city's CPA audit report for the year ended June 30, 1999, stated that the city has paid over \$200,000 during the last several years from the General Fund to help pay for trash collection services. As of June 30, 1999, city records show approximately \$656,000 in uncollected trash fees.

Although we commented on this in our last report, the city has still not adequately pursued the delinquencies. The city's CPA audit report also had a similar comment. The city has not issued citations for citizens who remain delinquent for a period in excess of 90 days. In addition, the city does not review delinquent lists prior to the issuance of city permits and licenses.

City ordinance number 705 which authorizes the trash billing system states that "any owner of premises who appears on the delinquent list and further remains delinquent for a period in excess of 90 days shall receive a citation from the City which shall carry a \$50 fine for said violation." The ordinance further states that "no owner shall be issued any license or permit unless the collection charge for his residence has been paid." The city ordinance also allows for a lien for the amount of delinquent trash bills to be filed against the owner's property.

Since some residents are paying timely for this service, it does not appear equitable to allow other residents to receive the same services for free.

If the city continues to contract with a trash hauler and bill residents for this service, delinquent fee collection procedures need to be instituted. The city should consider issuing citations, not issuing licenses and permits, or filing liens against property owners who are delinquent in paying their trash bills. The city should consider whether it would be beneficial to hire a collection agency to help reduce the delinquent amount. Delinquent bills that are considered uncollectable should be written off by the city.

WE AGAIN RECOMMEND the Board of Aldermen and the Mayor ensure citations are issued to property owners who are delinquent in excess of 90 days, and ensure no permits or licenses are issued to any property owner who appears on the delinquent list. The board should consider instituting other procedures to collect the delinquencies as the city deems appropriate. Amounts that are deemed uncollectible should be written off of the city's records.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

This issue is difficult to address because of its complexity and unpopularity with our elected officials, given the political implications. However, the current administration will dedicate and devote the time to bring this issue to the table and to discuss all pertinent aspects of collectibility. Presently, we are seriously debating the following options:

- a. To hire an outside agency to collect the delinquent trash fees.
- b. To give landlords an option to pay delinquent trash fees in full within 90-120 days and forgive the accumulated interest and penalties as of the implementation date.
- c. To forgive delinquent trash fees for those citizens who are unable to pay a large sum due to their fixed income or for whom the amount creates a real financial hardship.
- d. To hire additional staff to administer trash billing in-house in order to gain better control of delinquent trash fees.

However, your recommendation that we issue citations every 90 days and place liens on property involves real legal and practical problems such as lack of personnel to administer and enforce the program. The current court system is overloaded with moving and non-moving violations and would be overwhelmed with the addition of more housing citations. In conclusion, we will review all the options available to us along with our current ordinance, which may require some changes pertaining to trash fee collectibility. It is our intention to adopt the most workable and enforceable solution within 120 days.

City Business Licenses

The city does not have an adequate system in place to ensure compliance with city business license and building code ordinances. One local garage has been operating without a valid city license for at least two years. Ordinance section 600.040 expressly prohibits any Pine Lawn business from operating without a valid city business license. Although the city has been attempting to regulate this business for several years, the garage continues to operate in violation of city code. On January 20, 2000, the owner paid \$164 for a business license; however, when the city Building Inspector conducted an inspection, he noted several areas that were not in compliance with the building codes. As of March 31, 2000, the city has not yet issued the license and the garage continues to operate without a business license.

In addition, from July 1, 1998 to March 31, 2000, the city made payments to this company totaling \$443 for towing and tire repair of city vehicles. Utilizing the services of a company which is operating without a business license, does not appear appropriate for the city. Based on discussions with city officials, it appears that other garages in the city could also potentially be out of compliance with city codes. City ordinances represent laws of the city and should be properly enforced.

<u>WE RECOMMEND</u> the Board of Aldermen and the Mayor ensure that a system is in place to enforce city ordinances regarding business licenses and building codes. In addition, the city should discontinue the practice of utilizing the services of a business that does not have a current business license.

<u>AUDITEE'S RESPONSE</u>

The Mayor and City Administrator responded:

The city does have an adequate system in place to monitor city business licenses and building code enforcement. Currently, the individual whose license was revoked is involved in pending litigation with the city, and we reserve the right to not address this specific finding.

AUDITOR'S COMMENT

6.

It appears the city does <u>not</u> have an adequate system in place to monitor city business license and building code enforcement. This business has continued to operate in violation of city codes and without a license for at least two years.

Board Meetings and Ordinances

A. The Board of Alderman discussed items in closed session that are not allowed to be discussed under the provisions of the Sunshine Law. In addition, the Board of Alderman discussed items in closed session that were not included on the closed session agendas.

Section 610.021, RSMo Cummulative Supp. 1999, allows the board to close meetings to the extent the meetings relate to certain specified subjects, including litigation, real estate transactions, personnel issues, some competitive bidding issues, confidential or privileged communications with auditors, etc. Section 610.022, RSMo Cummulative Supp. 1999, requires a closed meeting, record or vote be held only for the specific reasons announced publicly at an open session. In addition, this law provides that public governmental bodies shall not discuss any other business during the closed meeting that differs from the specific reasons used to justify such meeting, record, or vote.

- B. The city has not adopted ordinances which are required by state law or would provide helpful guidelines for city operations:
 - 1. Although we recommended in our prior audit that the city adopt ordinances to establish the duties of several city officials including the City Administrator, Building Commissioner, Street Supervisor, Police Clerk and City Attorney, the city has not done so. To better clarify the expected duties and responsibilities of city employees, the city should have written job descriptions for all positions at the city. In addition, Section 79.290, RSMo 1994, requires that the duties of officers of the city be prescribed by ordinance.
 - 2. The city owns a Senior Citizen Building next to City Hall and allows various groups to rent the building. While the city does have an informal policy, they do not have a written policy or ordinance outlining for what purposes the Senior Citizen Building can be used and the fee charged for rental of the building.

An ordinance outlining the city's policy regarding use of this building and fees charged would help avoid confusion and ensure all citizens and groups are treated equitably.

WE RECOMMEND the Board of Aldermen and the Mayor:

- A. Ensure minutes and agendas state the specific reasons for going into a closed session, as required by state law, and that only the items specified in the agenda are discussed in the closed meeting. In addition, ensure that only items allowed in Section 610.021, RSMo Cummulative Supp. 1999, are discussed in closed meetings.
- B.1. Enact an ordinance establishing duties and descriptions of all city positions that are not currently in the City Code.
 - 2. Enact an ordinance establishing policies regarding the rental of the Senior Citizen Building.

AUDITEE'S RESPONSE

7.

The Mayor and City Administrator responded:

The city appreciates the auditors' observation and comments. Because allegations of prior statutory violations (minor and technical) of the Sunshine Law are involved, the city does not intend any of its response to be construed as any type of admission. The city has recently appointed a new legal counsel, who will provide model ordinances, procedures and resolutions to ensure that the Sunshine Law is fully observed to accommodate the rights of the citizens and the media. Since the administrative staff is very limited and performs overlapping duties, it is difficult to establish and determine specific job descriptions. However, we will consider the recommendation as suggested with our legal counsel to rectify this issue. Regarding use of all public buildings for personal or political use, the city intends to enact an ordinance or adopt a policy and procedures within 120 days.

Budgets and Financial Reporting

- A. The city does not publish semiannual financial statements. Section 79.160, RSMo 1994, requires the Board of Aldermen to prepare and publish semiannual statements of receipts, expenditures, and indebtedness of the city. In addition, Section 79.165, RSMo 1994, states that the treasurer shall not pay out any money of the city after the end of the month in which such financial statement should have been published, until such time as such financial statement is published.
- B. City budgets are not approved on a timely basis. The city operates on a July 1 to June 30 fiscal year. The budgets for fiscal years beginning July 1, 1998 and 1999, were not approved until October 1998 and February 2000, respectively.
 - Section 67.010, RSMo 1994, requires each political subdivision to prepare a budget for the ensuing year. To be of maximum benefit to the taxpayers and the city, the budget should be prepared and adopted prior to the beginning of the fiscal year. In addition, the city's lease agreement with the Pine Lawn Municipal Assistance Corporation stipulates that the lease agreement is terminated if the city fails to have an approved budget by November 1 of each year of the lease agreement.
- C. The Board of Aldermen does not receive enough information to monitor the budget and evaluate the financial position of the city's funds. A list of expenditures is prepared each month for the board to approve and the Treasurer reports whether there is enough money to pay the bills for the month. However, the balances of each fund, and an analysis of the budgeted and actual revenues and expenditures to date, are not provided. As a result, the city overspent the approved General Revenue budget by \$10,616 and \$10,470 for the years ended June 30, 1999 and June 30, 1998, respectively. This concern was also noted in the city's CPA audit report.

The budget process provides a means to allocate financial resources in advance. Failure to adhere to the expenditure limits imposed by the budgets weakens the effectiveness of this process. Section 67.040, RSMo 1994, allows for budget increases, but only after the governing body officially adopts a resolution setting forth the facts and reasons. Section 67.080, RSMo 1994, provides that no expenditure of public monies shall be made unless it is authorized in the budget. The Board of Aldermen should review budget to actual comparisons prior to approving expenditures.

For the aldermen to properly manage the finances of the city, they should be provided with the balances of funds held by the city and an analysis of budgeted and actual revenues and expenditures to date periodically.

These conditions were noted in our prior report and the city at that time indicated it would implement the recommendatons.

WE AGAIN RECOMMEND the Board of Aldermen and the Mayor:

- A. Prepare and publish semiannual financial statements in accordance with state law.
- B. Adopt the city budget prior to the beginning of the city's fiscal year, as required by state law and lease provisions.
- C. Require complete information regarding the financial position of the city, including balances of funds held by the city and a comparison of budgeted and actual revenues and expenditures to date each month. In addition, the Board of Aldermen should ensure expenditures for individual funds do not exceed the amounts approved in the budget, unless proper and timely amendments are made prior to the expenditures.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

It is not always practical to implement or enforce the steps required to perform precisely the duties outlined by Missouri statutes. However, the city intends to correct and adopt the following measures:

- a. To ensure semi-annual financial statements are published as suggested effective FY 2001, etc. A financial statement will be published for the period ending December 31, 2000.
- b. To try to adopt its budget prior to the beginning of each fiscal year.
- c. To consider some other cost-efficient method and less cumbersome plan of furnishing the required financial information to enable elected officials to evaluate the financial

position of the city; due to the limited technical skills of the administrative staff, it will be difficult to implement and provide complete city financial data on a monthly basis. We will implement some method of reporting by June 30, 2001.

City Property Records

8.

A. The city has not established adequate records to account for city property. Property records are necessary to secure better internal controls over assets and provide a basis for determining insurance coverage.

The city should establish adequate detailed property records. All property items (including land) should be recorded at historical cost or estimated historical cost, if historical cost is not available. The records should be maintained on a perpetual basis, accounting for property additions and dispositions as they occur. In addition, all items should be identified as city property with a tag or similar device and an annual inventory of property should be performed and agreed to the detailed property records.

A similar concern was noted in the city's CPA audit report.

- B. The city, through its various departments, owns and operates approximately 23 vehicles. The city owns a gas tank that is filled up approximately weekly. During our review of city vehicle and gasoline usage, we noted the following concerns:
 - 1. Each vehicle has a log sheet that documents when the vehicle is filled with gas. This log shows the date, gallons of gas pumped, mileage, and the person who pumped the gas. However, the city does not maintain information regarding the total amount of gas pumped from the tank.

The city should periodically determine and document the number of gallons pumped during that period. To ensure all fuel is properly recorded on the vehicle logs and accounted for, the city should reconcile gallons of gas pumped to gallons of gas recorded on the vehicle logs and reconcile the gallons of gas purchased to the gallons of gas pumped and remaining on hand.

2. Complete logs are not maintained for city-owned vehicles documenting their use. While the logs above document the vehicle mileage and number of gallons used, they do not document the purpose and destination of each trip. In addition, the city does not have a policy which addresses the appropriate use of city vehicles. Logs are necessary to document appropriate use of the vehicles and to support gasoline charges. A policy helps ensure that vehicles are used in a manner approved by the Board of Aldermen.

The logs should include the purpose and destination of each trip, along with the odometer readings and gas usage information. These logs should be reviewed to help ensure vehicles are used for city business only, are being properly utilized, and to help identify vehicles which should be replaced. Information on the logs should be reconciled to gasoline and other maintenance charges.

These conditions were noted in our prior report and the city indicated at that time that it would implement the recommendations.

WE AGAIN RECOMMEND the Board of Aldermen and the Mayor:

- A. Establish complete and detailed property records that account for all property items of the city. These records should be updated for any property additions or dispositions as they occur. In addition, all items should be tagged or otherwise identified as city property and an annual physical inventory should be taken of all city-owned property.
- B.1. Maintain records of the gallons of gas pumped and reconcile these records to the gallons of gas recorded on the vehicle logs and the gallons of gas purchased.
 - 2. Establish a written policy for the use of city vehicles and require a complete and accurate log be maintained for each vehicle.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

The City intends to adopt the following:

- A. To implement a plan that requires: proper listing of fixed assets with a useful life of 3 or more years, a listing of each item purchased and deleted during the fiscal year, reconstruction of a list of existing fixed assets and their usefulness, and an annual inventory procedure. This will be done by June 2001.
- B. To implement procedures for reconciliation between gasoline used and gasoline purchased each month, without impacting the service to the citizens and to neighboring municipalities according to the Mutual Aid contractual agreement. Identifying the purpose of the trip and destination of each trip will be difficult and time-consuming to implement for the majority of city vehicles, which are used by police officers and street department employees to conduct their business. A written policy will be established by June 30, 2001.

- A. The City Clerk, City Administrator, Court Clerk and Assistant Court Clerk do not prepare time sheets. Time sheets are necessary to document hours actually worked, substantiate payroll expenditures and the allocation of payroll expenditures to the various funds, and to provide the board with a method to monitor hours worked. To support payroll expenditures, the city should require all employees prepare detailed time sheets.
- B. Records of vacation or sick leave earned and taken and accumulated balances are not updated timely and do not appear complete. The city does not document the accumulated balances of leave at the end of each month.

Adequate documentation of leave earned, taken and accumulated is necessary to ensure employees are properly compensated for accumulated leave and to ensure time used is not in excess of time accumulated.

This condition was noted in our prior report.

- C. From the period of July 1998 through January 2000, the city's municipal court collected a total of \$20,015 of police training monies. Of the three dollar fine charged on each case in the municipal court, two dollars is for local law enforcement training and the other dollar is the Peace Officer Standards and Training Commission (POSTC) fee and is to be remitted to the state. In addition, the municipal court has collected a one dollar domestic violence fee as allowed in Section 479.261, RSMo Cumulative Supp. 1999, for several years. We noted the following concerns related to the handling of these fees:
 - 1. Approximately \$13,300 of the total police training monies collected were for the purpose of local law enforcement training. While the city expended \$7,306 on police training out of the city's general fund during the two years ended June 30, 1999, the city has not established a separate fund or separate accounting to ensure these receipts are expended only for the purpose of local law enforcement training.
 - 2. The city has not disbursed the state's portion of the POSTC fees collected. Section 590.140, RSMo Cumulative Supp. 1999, requires these fees to be distributed monthly to the state.
 - 3. The city has not disbursed the domestic violence fees collected to St. Louis County for disbursement to a local domestic violence shelter.
- D. The city collects a one half of one percent sales tax for the purpose of improving parks and storm water control in the city. While the city can determine the amount of

sales tax receipted and expended each year for this purpose, the unspent balance of these sales tax monies is not accounted for separately. Section 644.032, RSMo Cummulative Supp. 1999, requires these monies be deposited in a special trust fund to be used for funding storm water control and local parks. A separate accounting of any unspent balance along with future years receipts and disbursements of sales tax monies would help ensure these receipts are expended only for the purpose intended by the sales tax.

E. When a candidate files for city office, the city does not check to ensure a current occupancy permit is on file. Two of the three current board members who do not have occupancy permits on file have been residents for many years prior to the city requiring all residents to have occupancy permits. However, there has been some controversy regarding the third board member's residency in Pine Lawn. Requiring all candidates for elected office to have an occupancy permit on file with the city would help to validate the residency of all candidates for the Board of Aldermen and avoid controversy.

WE RECOMMEND the Board of Aldermen and the Mayor:

- A. Require all city employees to prepare detailed time sheets.
- B. Ensure records are maintained for all employees to document vacation and sick leave earned, taken, and accumulated on a monthly basis.
- C.1. Establish a separate fund or accounting of the local law enforcement training fees to ensure these funds are spent only for the purposes of police training.
 - 2. Determine the total amount of POSTC fees due to the state and remit these fees in accordance with the law.
 - 3. Determine the total amount of domestic violence fees owed to St. Louis County and remit as required.
- D. Establish a separate fund for these sales tax monies to ensure these receipts are spent in accordance with the purpose of the sales tax.
- E. Require all candidates for elected office in the city to have an occupancy permit on file with the city in order to validate residency.

AUDITEE'S RESPONSE

The Mayor and City Administrator responded:

A. We will require court clerks to submit attendance sheets since they are being paid overtime for work over 40 hours per week. The Administrator and City Clerk are exempt from

- attendance sheets because they are salaried employees and available for 24 hours a day and are not compensated for time over 40 hours a week. The Court Clerks' attendance sheets will be implemented immediately.
- B. The city does have adequate documentation of vacation and sick leave earned, used and accumulated, but extension of the balances was not carried out to the final column as balance on hand for any given month. However, effective immediately, the city intends to update all employees' vacation and sick leave earned, used and accumulated on a quarterly basis instead of a monthly basis.
- C.1. We intend to review this issue with the city's auditors to determine whether we can establish additional procedures as an alternative to opening a separate bank account, which would require manual record keeping for very little activity.
- C.2. Any prior and current year funds which are being held for Peace Officer Standards and Training Commission (POSTC) will be disbursed immediately to the state in accord with state law.
- C.3. Any prior and current year funds which have been collected for domestic violation fees will be disbursed immediately to St. Louis County for local domestic violence shelters.
- D. We intend to establish a separate accounting for the Parks and Storm Waters sales tax monies in accordance with state law. This will be done in the next three months.
- E. The city will consider the recommendation and proceed with caution to avoid any political and legal liability to the city or to those individuals who oversee the program.

AUDITOR'S COMMENT

- A. Timesheets should be prepared by all staff including salaried employees. Such records serve to document actual hours worked as well as vacation and sick leave for the board to monitor and to substantiate any allocation of payroll costs between various funding sources.
- C.1. We do not recommend the city open another bank account for these monies. Our recommendation is that the city account for these monies separately in some way to ensure they are spent appropriately. This can be done by maintaining a separate fund for these monies or tracking applicable revenues and expenditures in an existing account.

10. Municipal Court Division

- A. We noted the following concerns relating to court receipts:
 - 1) Although the Court clerk was able to provide us bank reconciliations for the period audited, she does not always perform and/or document a formal bank

reconciliation monthly. Monthly bank reconciliations are necessary to ensure that accounting records are in agreement with the bank and errors are detected on a timely basis. Without proper documentation, there is little assurance that these reconciliations have been performed.

- In our prior report, the city indicated checks and money orders were being restrictively endorsed immediately upon receipt; however, during our audit period checks and money orders are not restrictively endorsed until the deposits are prepared. To reduce the risk of loss or misuse of funds, checks and money orders should be restrictively endorsed immediately upon receipt.
- The duties of receiving, recording, and transmitting monies collected by the municipal court are not adequately segregated, and although the City Administrator indicated he agrees court receipts to transmittals to the city about twice a month, these reconciliations are not documented. In addition, the City Administrator does not reconcile bond receipts to deposits to the bond account.

To safeguard against possible loss or misuse of funds, internal controls should provide reasonable assurance that all transactions are accounted for properly and assets are adequately safeguarded. Internal controls would be improved by segregating the duties of receiving monies from that of recording receipts and depositing court monies. If proper segregation of duties cannot be achieved, at a minimum, there should be a documented independent review of the reconciliations between receipts and transmittals.

This condition was also noted in our prior report.

B. We noted the following concerns relating to bonds:

- 1) Monthly listings of open items (liabilities) are not prepared and reconciled to the bond account bank reconciliation balance. A monthly listing of open items is necessary to ensure proper accountability over open cases and to ensure the monies held in trust are sufficient to meet liabilities. As of March 31, 2000, the city prepared an open items listing that materially agreed to the reconciled bank balance. However, this reconciliation should be performed on a monthly basis.
- 2) The municipal court division has not implemented adequate procedures to follow up on bonds held for more than one year. As of June 30, 1999, the balance of the city's bond account included bond receipts totaling \$8,747 which have been held at least two years.

An attempt should be made to determine the proper disposition of these bonds. A review should be made of any bonds posted by persons who failed to make the required court appearance to determine if the bonds should be forfeited and monies paid over to the city treasury as provided by Section 479.210, RSMo 1994. For those bonds which are held on closed cases and remain unclaimed, Section 447.500 through 447.505, RSMo Cumulative Supp. 1999, which relate to unclaimed property, should be used to disburse these monies.

- 3) Bonds collected by the police department are not transmitted to the Court Clerk on a timely basis. Bonds are transmitted to the Court Clerk only once or twice a week. To adequately safeguard bond receipts and reduce the risk of loss or misuse of funds, transmittals should be made daily or when accumulated receipts exceed \$100.
- A bond fee of \$2 is collected each time a defendant is placed under arrest and posts a bond. This fee is transmitted directly to the city. However, the bond fee is recorded various ways in the bond ledger. Sometimes it is recorded as part of the bond amount, sometimes it is recorded separately from the bond amount, and still other times it is not recorded in the bond ledger at all.

The bond fee should always be recorded in the bond ledger. The police department should consider recording the total amount received in one column, and then recording the bond amount and the bond fee amount, each in separate columns. The bond ledger should include all bond and bond fee receipts to ensure proper accountability over bonds.

Similar conditions were noted in our prior report and at that time the city indicated they would implement the recommendations.

C. Prior to January 2000, the police department accounted for the numerical sequence of traffic tickets and summonses issued. However, due to a system change, the numerical sequence is no longer accounted for properly.

Without a proper accounting of the numerical sequence of traffic tickets and summonses issued, the police department and the court cannot be assured that all tickets and summonses were properly submitted to the court for processing. A log listing the ticket and summonses number, the date issued, and the violator's name would ensure all summonses were properly submitted to the court for processing, properly voided, or not prosecuted.

This condition was noted in our prior report.

D. Procedures established to pursue the collection of delinquent accounts and failure to appear cases include issuing warrants; however, the court did not always monitor to ensure warrants were issued on a timely basis.

Proper and timely issuance of warrants for amounts due to the court helps to maximize court revenues along with providing equitable treatment for those citizens who are paying fines and court costs when due.

WE RECOMMEND the city of Pine Lawn Municipal Division:

- A.1. Ensure monthly bank reconciliations are performed and documented.
 - 2. Restrictively endorse all checks and money orders immediately upon receipt.
 - 3. Properly segregate duties between available employees and/or establish a documented periodic review of municipal division records by an independent person.
- B.1. Prepare monthly listings of open items and reconcile this listing to the balance in the bank account.
 - 2. Implement adequate procedures to follow up on bonds being held and dispose of them in accordance with state law.
 - 3. Transmit bond receipts daily or when accumulated receipts exceed \$100.
 - 4. Ensure that the bond fee is always recorded in the bond ledger.
- C. Work with the police department to ensure records are maintained to account for the numerical sequence of all tickets and summonses issued.
- D. Monitor to ensure all warrants are prepared and activated in a timely manner.

<u>AUDITEE'S RESPONSE</u>

The Mayor and the City Administrator responded:

- A. The city accepts the findings and plans to implement: monthly bank statement reconciliation, restrictive endorsement of checks and money orders, and reconciliation of bond receipts to deposits by an independent individual.
- B. The city also accepts the following recommendation: to reconcile open bonds to the bank statement on a monthly basis, to turn over to the state any funds from the disposition of bonds held more than a year, to deposit bond receipts more frequently, and to ensure that the bond fee is posted properly in the ledger.
- C. The city intends to work with the police department to ensure the accountability and numerical sequence of all tickets and summons.
- D. The city intends to work with the police department and court clerks to ensure the efficient preparation of all warrants.

The above recommendations will be implemented by June 30, 2001.

This report is intended for the information of the management of the city of Pine Lawn, Missouri, and other applicable government officials. However, this report is a matter of public record and its distribution is not limited.